Remarks

Claims 1-22 are pending in this application.

Amendment to Claims

Claims 1 and 10 have been amended to correct informalities and to more clearly define the limitation of the claims.

Claims 6, 7, 16 and 17 have been amended to recite "or" instead of "and."

Support for these amendments can be found generally in the specification as originally filed. No new matter is introduced.

35 U.S.C. § 103(a) Rejection of Claims 1-3, 6-12 and 15-22

Claims 1-3, 6-12 and 15-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Russell-Falla et al. (U.S. Patent No. 6,675,162) (hereinafter "Russell-Falla") in view of Chakrabarti et al. (U.S. Patent No. 6,389,436) (hereinafter "Chakrabarti") in further view of Shmueli et al.(U.S. Patent No. 6,442,555) (hereinafter "Shmueli"). In support of his rejection, the examiner stated that Shmueli teaches a method for classifying a new document as a particular type based on determining the format information within each portion of the document, wherein the format information includes font, font size, and justification, pointing to a particular section of Shmueli. (*See* Office Action, 2nd full paragraph of page 4.) The examiner further added that "[i]t would have been obvious to one of ordinary skill in the art at the time of the invention for one of the distinguishing series of tests of Rusell-Falla to have analyzed the page format or style of the document web page as shown in Shmueli et al, because Shmueli et al teach that by utilizing a more robust document decomposition that looked specifically at document format, a document could be automatically recognized and classified (col. 1, lines 28-47; col. 2, lines 13-17)." (*See* Office Action, 2nd full paragraph of page 4.)

When Shmueli and Russell-Falla are considered as a whole under the Graham *test for obviousness, there cannot be any apparent reason to combine the elements from the two to arrive at the present invention*

As a guideline for issuing obviousness rejections, the USPTO has issued a Memorandum (hereinafter the "Memo") on May 3, 2007 in view of the recent U.S. Supreme Court decision on

KSR Int'l Co. v. Teleflex, Inc. The Memo states that the following four factual inquiries under

Graham should be considered when issuing on obviousness rejection:

> (a) Determining the scope and contents of the prior art;
> (b) Ascertaining the differences between the prior art and the claims in issue;
> (c) Resolving the level of ordinary skill in the pertinent art; and
> (d) Evaluating evidence of secondary considerations.

> (*See* paragraph 1, page 1 of the Memo.)

Quoting the following statement from *KSR*,

> Often, it will be necessary ... to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent **reason** to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis **should be made explicit**.

> (*See* paragraph 4, page 2 of the Memo, emphasis *not* added.)

the Memo states the following guideline for the meantime until further guidance is issued:

> **Therefore, in formulating a rejection under 35 U.S.C. § 103(a) based upon a combination of prior art elements, it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed.**

> (*See* paragraph 4, page 2 of the Memo, emphasis *not* added.)

Applying the guidelines of the Memo to the present obviousness rejection, it is

Applicants' position that when the scope and the contents of Shmueli and Russell-Falla are

considered as a whole as indicated under the *Graham* factors, there cannot be *any apparent*

reason to combine the two and thus no obviousness of making the combination to arrive at the

present invention recited in the rejected claims.

Russell-Falla is directed to the methods for scanning and analyzing various kinds of

digital information content. One of the listed objectives of the invention by Russell-Falla is to

enable parents or guardians to exercise some control over the web page content displayed to their

children. (*See* col. 2, lines 26-29 of Russell-Falla.) Russell-Falla recites the following objectives

for the disclosed system:

      a)   to enable parents or guardians to exercise some control over the web page content displayed to their children;

      b)   to provide for automatic screening of web pages or other digital content;

      c)   to provide for automatic blocking of web pages that likely include pornographic or other offensive content;

      d)   to characterize a specific category of information content by example, and then to efficiently and accurately identify instances of that category within a real-time datastream.

(*See* col. 2, lines 26-43 of Russell-Falla.)

Further describing its method for scanning, analyzing and handling the web page, Russell-Falla discloses that the system includes a "weighting list" that contains a list of expressions previously associated with potentially offensive or harmful web pages, for example pornographic pages, and the database includes a relative weighting assigned to each word in the list for use in forming the rating. (*See* col. 2, lines 50-63 of Russell-Falla.) In sum, the scope and the contents of Russell-Falla pertains to computer-implemented methods for characterizing a specific category of information content--pornography, for example--and then accurately identifying instances of that category of content within a real-time media stream, such as a web page, e-mail or other digital dataset. (*See* Abstract of Russell-Falla.)

The document decomposition disclosed in Shmueli involves automatic recognition of the organization of an electronic document. (*See* col. 1, lines 28-34 of Shmueli.) According to Shmueli, this usually includes determining the size , location, and organization of distinct portions of an electronic document. Furthermore, Shmueli discloses that some page decomposition software will go further than merely determining the type of data found in each portion, and will also determine format information within each portion. For example, Shmueli states, the font, font size, and justification. (*See* col. 1, lines 28-47 of Shmueli.)

According to the examiner, Shmueli cures the deficiency of Russell-Falla by teaching utilizing a more robust document decomposition that looks specifically at document format, a document could be automatically recognized and classified. While Shmueli discloses determination of font, font size, and justification for a block containing text, the determination of font, font size, and justification for the block containing text, however, has no relation to indicating content type for a given Web page, as in Russell-Falla. As explained previously, the

scope and contents of Russell-Falla are directed to assessing the content type of a web page so that, for example, parents are enabled to exercise some control over the web page content displayed to their children. Determination of font, font size, and justification for a block containing text, however, cannot provide any insight on the content type and hence category or classification of the subject Web page. Finding out that whether the text of a document is, for example, in font 9 cannot be instructive in determining whether the Web page is related to sports or finance and cannot be insightful for determining age inappropriate material for Russell-Falla purposes. As such, there is no commonality between the scope and contents of Russell-Falla and Shmueli; thus one skilled in identifying the content type of a web page as in Russell-Falla would not have any apparent reason to combine the teachings of document decomposition in Shmueli for determining font, font size, and justification for a block containing text.

One of ordinary skill in the art also has no apparent reason to combine the teachings of Chakrabarti and Shmueli in view of Russell-Falla

The disclosure of Chakrabarti is related to computer-implemented classifiers, and, in particular, to a hypertext classifier that classifies documents that contain hyperlinks. (*See* col. 1, lines 6-8 and col. 5, lines 46-53 of Chakrabarti.) Chakrabarti states the following:

> A text-based classifier classifies the documents based only on the text contained in the documents. However, *documents on the Web typically contain hyperlinks.* These hyperlinks are ignored by text-based classifiers, although the hyperlinks contain useful information for classification...*There is a need in the art for an improved classifier that can classify documents containing hyperlinks....* Unlike conventional systems, the hypertext classifier 110 of the present invention exploits *topic information* implicitly present in hyperlink structure.
>
> (*See* col. 2, lines 29-34 col. 3, lines 63-64 and col. 7 lines 5-7 of Chakrabarti; italics added)

As the title of Chakrabarti, which is ENHANCED HYPERTEXT CATEGORIZATION USING HYPERLINKS, indicates, the system of Chakrabarti uses the hyperlinks such as http://www.research.att.com/lewis or http://medir.ohsu.edu/pub/ohsumed to classify a document into categories such as "news, entertainment, sports, business or theater." (*See* col. 6, lines 62-64 of Chakrabarti.)

Similar to the reasoning discussed above, when considering the scope and contents of each prior art, one skilled in the art would not have any apparent reason to combine the teachings of Chakrabarti and Shmueli in view of Russell-Falla to arrive at Applicants' invention. Again, when one skilled in the art is interested in assessing whether the Web page is related to a particular content category such as "news, entertainment, sports, business or theater" from the actual text of a hyperlink, the font or font size cannot be relevant. As such, combining the document decomposition of Shmueli for determining font, font size, and justification for a block containing text applied to a typical hypertext for an analysis disclosed in Chakrabarti appears to be illogical that one skilled in the art would not have any apparent reason to combine the teachings of Chakrabarti and Shmueli for use with Russell-Falla to arrive at the present invention. The

In view of foregoing, Applicants respectfully request the § 103(a) rejection of base Claims 1 and 10 be withdrawn. Furthermore, as Claims 2, 3, 6-9, 11 and 15-22 depend from Claim 1 or 10, these claims are allowable for the same reasons discussed above.

35 U.S.C. § 103(a) Rejection of Claims 4, 5, 13 and 14

Claims 4, 5, 13 and 14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Russell-Falla in view of Chakrabarti in view of Shmueli and in further view of Haug et al. (U.S. Patent No. 6,556,964) (hereinafter "Haug"). Haug is directed to a probabilistic model for determining the meaning of sentences or phrases in medical reports. The Haug model extracts and encodes medical concepts using a Bayesian network.

Claims 4-5, 13 and 14 depend from base Claims 1 or 10. Therefore, Claims 4, 5, 13 and 14 also include the element of the distinguishing series of tests having both binary and non-binary tests and the distinguishing claim term "content type...exclusive of indicating language in which content is written". As explained above, neither Russell-Falla, Chakrabarti nor Shmueli teaches, suggests or otherwise makes obvious the distinguishing series of tests having at least one test examining page format or style other than position of data or a keyword in the subject Web page of Claims 4, 5, 13 and 14. Furthermore, Haug does not cure this deficiency to make
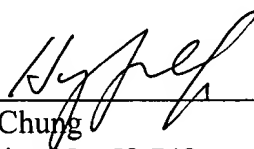
Claims 4, 5, 13 and 14 obvious. Therefore, Applicants respectfully request the § 103(a) rejection of Claims 4, 5, 13 and 14 be withdrawn.

CONCLUSION

In view of the above amendment and remarks, it is believed that all claims (claims 1-22) are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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